IN RE: PETITION FOR SPECIAL HEARING
W/S Cub Hill Road, 85 ft. SE of
Powderhorn Lane
2521 Cub Hill Road
9th Election District
6th Councilmanic District
Frank Gibson, Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 99-187-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property known as lot No. 5 of the Mann property, more particularly known as 2521 Cub Hill Road in the Cub Hill community of Baltimore County The Petition was filed by Frank Gibson, property owner. Special Hearing relief is requested to approve an amendment to the approved Final Development Plan of the Mann property to permit the resubdivision of lot 5 to create one additional building lot. The subject property and requested relief are more particularly shown on the First Amended Final Development Plan of the Mann property, marked as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case were Frank Gibson, Petitioner, property owner, David W. Billingsley of Central Drafting and Design, Inc., (Consultant), Mr. and Mrs. Jan Kiracofe (Contract Purchaser) and Bonnie and Alan Kingman, neighbors. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property at issue (lot 5 of the Mann property) is 3.902 acres in area, zoned D.R.2. This lot is part of a larger tract which was previously approved for subdivision by the County Review Group (CRG) on August 19, 1983. Approval granted at that time was for a 6 single family dwelling lot subdivision of the overall tract. Following that approval, the property was, indeed, subdivided. There have been 2 new dwellings constructed and two existing dwellings are occupied. (See lots 1-4)

The Petitioner now seeks an amendment to the Final Development Plan to permit the subdivision of lot 5 to create one additional building lot. This additional lot will increase the total subdivision to 7 lots, which is within the allowable density of 16 lots overall permitted by the Baltimore County Zoning Regulations (BCZR).

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DOWN
THE PROPERTY
ON

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Testimony and evidence was offered at the hearing by Mr. and Mrs. Kingman, the owners of lot No. 1. They purchased their property in October of 1995 and shortly thereafter, experienced significant problems with a sewer line which extends through their lot from Cub Hill Road to an existing dwelling on lot No. 5. Apparently, the sewer line ruptured and the Kingmans suffered a significant expense to repair same. This repair was at their expense, notwithstanding the fact that the line did not serve their dwelling. The Kingmans were required to repair the line because no other responsible party could be located. The expenses sustained by them appear to be quite inequitable. They appeared at the hearing to ensure that they will not have to suffer similar expense due to the proposed subdivision.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. In my judgment, the amendment of the Final Development Plan and resubdivision of lot No. 5 is appropriate and will not be detrimental to existing properties. It is significant to note that the development of the overall tract is under density and the subdivision will not create an overcrowding of the neighborhood. In my judgment, relief can be granted so as to not detrimentally impact the health, safety and general welfare of the locale.

However, in granting the Petition, I shall impose three conditions upon the Petitioner, his heirs and assigns in order to protect the Kingmans and other property owners in the locale. First, the Petitioner shall comply with the Zoning Plans Advisory Committee (ZAC) comment offered by the Developer's Plans Review Division of the Office of Permit and Development Management. That comment states that the Petitioner shall improve the existing driveway to meet the standards of the Department of Public Works. The Petitioner shall be required to meet these standards.

Second, the Petitioner shall comply with the regulations as identified in the ZAC comment from the Department of Environmental Protection and Resource Management (DEPRM). These regulations generally relate to protection of the water quality and resources and Forest Conservation Regulations.

Third, Mr. Gibson agreed that he will arrange for the inspection and repair, as is

necessary, to the existing sewer line to prevent additional expense upon Mr. and Mrs. Kingman. Such inspection and repair shall be completed prior to the issuance of any permits.

Pursuant to the advertisement, posting of the property and the public hearing on this Petition held, and for the reasons given above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this Ab day of January 1999, that the Petition for Special Hearing to approve an amendment to the approved Final Development Plan of the Mann property to permit the resubdivision of lot 5 to create one additional building lot, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired.
- 2. The Petitioner shall comply with the ZAC comment offered by the Developer's Plans Review Division of the Office of Permits and Development Management; namely, to improve the existing driveway to meet the standards of the Department of Public Works.
- 3. The Petitioner shall comply with the regulations as identified in the ZAC comment from the Department of Environmental Protection and Resource Management (DEPRM). These regulations generally relate to protection of the water quality and resources and the Forest Conservation Regulations.
- 4. Prior to the issuance of any permits, the Petitioner shall cause there to be an inspection of the sewer line which crosses lot No. 1 (Kingmans' property) and serves lot No. 5, and repair same as is necessary to meet the requirements for sewer lines by the Department of Public Works.

5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

MANUAL PARTIES



Case No. 99-187-58

299 9H5198

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

is the subject of this Petition.

UNAVAILABLE FOR HEARING

Lot	5 Mann Property		
for the property located at _	2521 Cub Hill Road		
which is presently zoned D.R. 2			

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the approved final development plant to permit the resubdivision of lot 5 to create care (1)

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Less	<u>ee:</u>		Legal Owner(s):	:	
Name - Type or Print			Frank Gibson Name, Type or Print	194	
Signature			Sign (Life		
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petitioner:			P.O. Box 109	328	(410) 665-0200 Telephone No.
			Baltimore,	Maryland	21234 Zip Code
Name - Type or Print			City Representative	State to be Contacted	•
Signature			David Billi		
Сотралу			Name 601 Charwoo		(410)67 <u>9-871</u> 9
Address	<u></u>	Telephone No.	Address Edgewood,	Maryland	Telephone No. 21040
City	State	Zip Code	City	State	Zip Code
			<u>of</u>	FICE USE ONLY	. //
			ESTIMATED LEN	IGTH OF HEARI	NG 12HR

CENTRAL DRAFTING AND DESIGN, INC.

601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040 (410) 679-8719 FAX (410) 538-6160

DESCRIPTION TO ACCOMPANY SPECIAL HEARING 2521 CUB HILL ROAD

Beginning at a point on the west side of Cub Hill Road (width varies) southeasterly 85 feet from it's intersection with the centerline of Powderhorn Lane (50 feet wide) thence being all of Lot 5 as shown on the plat entitled " Mann Property " recorded among the plat records of Baltimore County in Plat Book 50 Folio 119.

Containing 6.22 acres of land more or less and being located in the ninth election district of Baltimore County.

PRINTS: ACTUM.

10/29/2000 10/29/19/8 11-01-25.

12.1 USO. CYMILK WAE WAS UNDAL!

5 MUNCH MAUL CASH RECTP!

CASH RECTP!

COORSE South Markey (1921) CASHIER'S VALIDATION 187-SPA Riverbet if CIR Mil. 060735 99-187-50 No. 060725 AMOUNT \$ 50 % YELLOW - CUSTOMER ACCOUNT AND BALTIMORE COUNTY, MA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PINK - AGENCY DISTRIBUTION WHITE - CASHIER RECEIVED FROM: FOR

Gase, #99-187-SPH
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Powierforful Claine
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Legal Owner(s): Frank Glason

Spiedia Hilaring: to approve an amendment to the final Development Plan of the Mann Property and to permit the desubulvision of lot 5 to create 1 additional building fot.

LAWRENCIE E. SCHAMIDT
Zoning Commissioner for
Ballinore Count,
NOTES: (1) Hearings are
Handicapped Accessible; for
soledial accommodations
Please Call (410) 867-3858.

(2) For information condeming the File and/or Hearing,
Please Call (410) 867-3839.

CERTIFICATE OF PUBLICATION

av. 27, 1988 TOWSON, MD., _

published in THE JEFFERSONIAN, a weekly newspaper published successive THIS IS TO CERTIFY, that the annexed advertisement was weeks, the first publication appearing on Muu M_{e} , 1998. in Towson, Baltimore County, Md., once in each of∟

THE JEFFERSONIAN,

"Hemilas LEGAL AD. - TOWSON

RE: Case No. 99-187-SPH

CENTRAL DRAFTING DEYGN

Date of Hearing/Closing: 12/14/98

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

#

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 2521 COB HILL RD.

The sign(s) were posted on 11 30/98

Satural M. Olafe Sa 12/4/98

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

[410] 666-5366

Pose (410) 452 000

(Telephone Number)



CERTIFICATE OF POSTING

RE Case No	99-1	97-	SPH

Petitioner/Developer D. BILLINGSLEY, ETAL

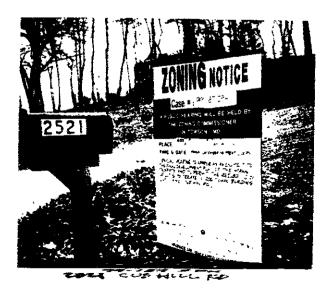
Date of Hearing Closing 12/14/98

Saltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 2521 CUB HILL RD. The sign(s) were posted on ______ (Month, Dav. Year)



Sincerely,

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City. State, Zip Code)

410-666-5366 ; CELL-410-905-8571

*	*	*	*	*	ale:	*	*	*	*	*	*	*
	Cuno	ICI (S)					*		Case Nu	mber: 99)-187-SP	H
Legal	Owners: Petition		nbson				*		BALTIM	ORE CO	OUNTY	
							*		FOR			
85' SE	Cub Hill I of Powd uncilman	erhorn L		-	District,		*		ZONING	G COMM	IISSION	ER
RE:	PETITIO	N FOR	SPECIA	L HEAF	RING		*		BEFORE	ETHE		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

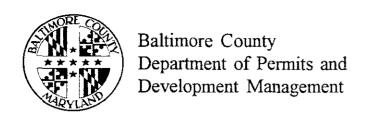
400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ______ day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to David W. Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood, MD 21040, representative for Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

November 10, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-187-SPH

2521 Cub Hill Road

W/S Cub Hill Road, 85' SE of Powderhorn Lane 9th Election District – 6th Councilmanic District

Legal Owner: Frank Gibson

<u>Special Hearing</u> to approve an amendment to the Final Development Plan of the Mann Property and to permit the re-subdivision of lot 5 to create 1 additional building lot.

HEARING: Monday, December 14, 1998 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue.

Arnold Jablon

Director

c: Frank Gibson

Central Drafting & Design, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 29, 1998.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

November 25, 1998 Issue - Jeffersonian

Please forward billing to:

Frank Gibson

410-665-0200

P.O. Box 10928

Baltimore, MD 21234

NOTICE OF ZONING HEARING

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LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-187-SPH
Petitioner: FRANK GIBSON
Address or Location: Z521 CUB HILL ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: FRANK GIBSON
Address: _ P.O. BOX 10978
BALTO., MO. 21234
Telephone Number: (410) 665-0700

Exhibit B
Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing Black Letters on White Background

ZONING NOTICE

Case No.: 99-187-5PH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

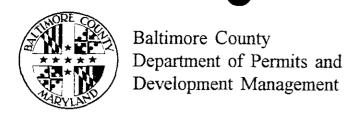
PLACE;	
DATE AND TIME:	
REQUEST: A SPECIAL HEARIN	US TO AMENO THE APPROVED FINAL DEVELOPMENT
DAY OF THE MANIN PROPERT	Y TO PERMIT RESUBDIVISION OF LOT #5 TO CREATE
ONE ADDITIONAL BUILD	ING-LOT.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

TO CONFIRM HEARING CALL 887-3391.

HANDICAPPED ACCESSIBLE

9/96 post.4.doc



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

December 11, 1998

Mr. David Billingsley Central Drafting & Design, Inc. 601 Charwood Court Edgewood, MD 21040

RE: Item No.: 187

Case No.: 99-187-SPH

Location: 2521 Cub Hill Road

Dear Mr. Billingsley:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 29, 1998.

The Zoning Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 17, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for November 16, 1998

Item No. 187

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The proposed lot will be a panhandle lot which requires a paved driveway per the Department of Public Works' Standard Plate R-46, 16-foot-wide with a maximum of a 14% grade driveway.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

NOVEMBER 23, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: 183 - DANIEL DIETRICH AND VIENNA HEERD

186 - WILLIAM E. REDMAN AND MARY E. REDMAN

187 - FRANK GIBSON

Location: DISTRIBUTION MEETING OF NOVEMBER 9, 1998

Item No.: 183, 186, 187

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marsnal Office, PHONE 887-4331, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: November 19, 1998

Arnold Jablon TO: R. Bruce Seeley (195)/1/ FROM: SUBJECT: Zoning Item #187 Gibson Property - 2521 Cub Hill Road Zoning Advisory Committee Meeting of November 9, 1998 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Date: 11.10.51

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 187

121

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (Igredlein@sha.state.md.us).

Very truly yours,

J. J. Dredle

Michael M. Lenhart, Acting Chief Engineering Access Permits Division

APH HKI

Date: November 16, 1998

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Jeffrey W. Long

Item No (s): 181 & 187

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL

PETITIONER(S) SIGN-IN SHEET

34

NAME	ADDRESS
MR& MRS JAN KIRACOFE	9201 Satyr Hill Rt Balt Md. 212
DAVID N BILLINGSLEY	GOI CHARWOOD OF EDGEWOOD, MO
FRANK GIBSON	GOI CHARWOOD OF ENGEWOOD MO 15 ODEON CT 2123
ERA® - EQUITY Each office independently owned and operated	
MLS	
GLENDYR E. KIRACOFE 9621 Harford Road Baltimore, MD 21234 Office: (410) 665-0200 GRAN GR	
Office: (410) 665-0200 (6 11) Home: (410) 823-1609 V.M.: (410) 917-2823	





PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Bonne Alan Kingman	25134 CUB HILL Rd 21234-1005



